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*** CURRENT THROUGH THE 2011 REGULAR SESSION AND UPDATES ***
*** FROM THE ARKANSAS CODE REVISION COMMISSION THROUGH ***
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Title 23 Public Utilities and Regulated Industries
Subtitle 3. Insurance
Chapter 78 Burial Associations

A.C.A. § 23-78-105 (2011)

23-78-105. Burial Association Board -- Creation -- Members.

(a) There is created a Burial Association Board consisting of the following members who shall be appointed by the Governor subject to confirmation by the Senate:

- (1) One (1) member from each congressional district;
- (2) Three (3) at-large members;
- (3) One (1) consumer representative appointed from the state at large;
- (4) One (1) representative of the elderly appointed from the state at large; and
- (5) Any other members who, from time to time, may be added by statute.

(b) (1) (A) The members of the board shall be:

- (i) Residents of the State of Arkansas;
- (ii) At least twenty-one (21) years of age; and
- (iii) Of good moral character.

(B) The representative of the elderly shall be sixty (60) years of age or older.

(2) (A) Members other than the consumer representative and the representative of the elderly shall be engaged in or connected with the operation of a burial association for at least five (5) years.

(B) The consumer representative and the representative of the elderly shall not be actively engaged in or retired from the business of operating a burial association.

(3) The consumer representative position and the representative of the elderly position cannot be filled by the same person.

(c) (1) Members other than the consumer representative and the representative of the elderly shall be appointed as follows:

(A) During December of each year, the Arkansas Club of Burial Associations or its successor shall submit to the Governor a list containing the names of not fewer than two (2) qualified persons from each congressional district from which the current members' terms expire. However, at-large members may be from any congressional district, and no more than one (1) at-large member may be appointed from any one (1) congressional district;

(B) The Arkansas Club of Burial Associations shall also establish a system of rotating the at-large members to ensure equitable representation of congressional districts by the at-large members; and

(C) After receipt of the list by the Governor, the Governor shall appoint to the board one (1) member from each congressional district from which the current member's term expires, plus members from the state at large, provided the at-large member's term also expires.

(2) The requirement of appointment from a list submitted by the Arkansas Club of Burial Associations shall not be applicable to the consumer representative and the representative of the elderly.

(d) (1) The term of office shall be for three (3) years, and no member shall be appointed to more than two (2) consecutive terms upon the board.

(2) Each member shall hold office until a successor is appointed and qualified.

(e) (1) Vacancies on the board shall be filled for the unexpired term thereof by appointment by the Governor.

(2) Vacancies in positions other than those of the consumer representative and the representative of the elderly shall be filled from new lists submitted for the filling of the vacancies in the same manner provided for the appointment of those members to the board.

(f) The Governor shall have the right to remove any member of the board for gross neglect or malfeasance after notice and hearing.

(g) Before entering upon the duties of the office, the members of the board shall take the oath prescribed by the Constitution of the State of Arkansas for state officers and shall file it in the office of the Secretary of State. The Secretary of State shall thereupon issue to the person so appointed a certificate of the appointment.

(h) The members of the board may receive expense reimbursement and stipends in accordance with § 25-16-901 et seq.

HISTORY: Acts 1953, No. 91, §§ 2-4; 1965, No. 83, § 1; 1977, No. 113, §§ 1-3; 1981, No. 360, § 1; 1981, No. 717, § 2; 1983, No. 131, §§ 1-3, 5; 1983, No. 135, §§ 1-3, 5; 1983, No. 784, § 1; 1985, No. 679, §§ 1, 2; A.S.A. 1947, §§ 6-617 -- 6-619, 6-623 -- 6-626, 66-1802 -- 66-1804; Acts 1997, No. 250, § 223; 2001, No. 1553, § 50.